

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Brock Fredin,

Plaintiff,

Court File No. 17-cv-03058 (SRN/HB)

v.

Lindsey Middlecamp,

Defendant.

Brock Fredin,

Plaintiff,

Court File No. 18-cv-00466 (SRN/HB)

v.

Grace Elizabeth Miller, et al.,

Defendant.

DECLARATION OF K. JON BREYER

I, K. Jon Breyer, declare as follows:

1. I am an attorney with the law firm of Kutak Rock LLP and counsel to Defendants in the above-captioned matters. I submit this Declaration in support of Defendants' Motion for Sanctions.

2. As Defendants *pro bono* counsel I have expended more than 29.74 hours preparing the brief and declarations in support of Defendants' motion for an injunction and

motion for an order to show cause and for sanctions. At a typical hourly rate of \$420.00, Plaintiff Brock Fredin should aptly pay no less than \$12,490.80 as a sanction.

3. I have reviewed the time records in these two matters and the above rate and amount of time accurately reflects the work dedicated to combating Fredin's misconduct as set forth in the briefing.

4. The time incurred was reasonable and necessary to address Fredin's misconduct and the unique and complex issues raised.

5. Had Fredin not forced Defendants' counsel to dedicate the time reflected above to combating his misconduct, counsel would have billed most or all of that time to paying clients at the rate identified above.

6. Defendants only seek fees specifically related to their motion for an injunction and the current motion for an order to show cause and for sanctions. The amount does not take into account the contributions of others who assisted in the research and drafting of the motions. Were Defendants to seek the full amount of fees unavoidably incurred in addressing Fredin's misconduct, they would exceed 47.8 hours or \$17,908.80.

7. Defendants' counsel has incurred hundreds of hours fending off Fredin's meritless claims, as well as having to prosecute his wrongdoing before this court. The law firm of Kutak Rock has also expended thousands of dollars supporting this pro bono effort. This reasonable sanction is but a small portion of the overall harm Fredin has caused.

I declare under the penalty of perjury that the foregoing is true and correct. Executed
this 9th day of December, 2020 at Minneapolis, Minnesota.

/s/K. Jon Breyer
K. Jon Breyer